



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, August 17, 2017**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairman Jonathan Rardin at 7:32 PM.

**PLEDGE OF ALLEGIANCE:** Led by Chairman Jonathan Rardin.

**OPMA STATEMENT:** Read by Chairman Jonathan Rardin in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Jonathan Rardin, Daniel DiRenzo, Jr., Wyatt Sklar; Ivy Rovner; Jeff Potter; Jennifer Apell, Marshall Spevak, and Jill Roth-Gutman.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Zoning Board Secretary; Jacob Richman, PP, AICP, Planner; Chris Noll, PE, CME, PP, Zoning Board Engineer; and Matthew Wieliczko, Esq., Zoning Board Solicitor.

**ADMINISTRATIVE ITEMS**

Solicitor Wieliczko administered the oath of office to Zoning Board of Adjustment members Jennifer Apell (Regular Member) and Jill Roth-Gutman (Alternate #2 Member).

*Adoption Meeting Minutes from July 6, 2017.* Mr. Spevak made a motion, which was seconded by Mr. Sklar, to adopt the Meeting Minutes from July 6, 2017. Affirmative votes by DiRenzo, Sklar, Rovner, Potter, and Spevak. Minutes are approved.

**AGENDA ITEMS:**

**17-Z-0013**

Block(s) 404.45 Lot(s) 1

Zone: Residential Agricultural (RA) Zone

*Relief Requested: An application for bulk (C) variances and tree removal to construct a new single family dwelling with an equestrian/horse keeping use along with various site improvements including a detached garage, driveway, stables, pasture area, and landscaping.*

**Brian & Laurie Wolfson**

110 Munn Lane

Cherry Hill, NJ

**Applicant's Representatives:** Rick Hoff, Esq. – Applicant's Attorney; Rick Clemson, PE – Applicant's Engineer; Thomas Wagner, RA – Applicant's Architect; Stephen Panasci – Applicant's Landscape Architect; and Brian Wolfson – Applicant.

**Exhibits Submitted:** A-1: Front Elevation; A-2: Color Rendering of the Floor Plan; A-3: Aerial Photograph with Site Plan Rendering; A-4: Color Site Plan Rendering; Rendering of Fencing Wall & Gate; and A-6: Planting Plan.

Mr. Hoff introduced the application for the construction of a new single-family dwelling with a horse-keeping use that requires tree removal and bulk variance relief. Mr. Hoff explained that the variances are to permit a second garage, where only one (1) garage is permitted, and to exceed the maximum allowable fence height. Mr. Hoff stated that the proposed living quarters will be located above the horse tables. Mr. Hoff submitted exhibits A-1 and A-2.

Mr. Wagner stated that while the living quarters are above the stables, this design is not so uncommon in other parts of the country. Mr. Wagner noted that the stables contain nine (9) stall plus one (1) wash bay for the horses. Mr. Wagner discussed the layout of the residence and living quarters and noted that the applicant is proposing two (2) 3-car attached garages, where one garage will be primarily used for the storage of vehicles and the other will be primarily utilized for the storage of farm equipment. Mr. Wagner explained that the property cannot accommodate for a basement due to the high water table and therefore, the second floor of the second garage will be utilized as an entertainment and workout room which a basement would normally be utilized for. Mr. Wagner provided testimony with regard to the materials of the home and stated that the height of the home is 34'-2" where a maximum of 35' is permitted.

Mr. Hoff submitted exhibit A-3 and Mr. Clemson gave an overview of the site, which is located on the corner of Brace Road and Munn Lane. Mr. Clemson noted that the subject site is a fairly wooded 10-acre lot that once had a residence (which has since been demolished) with a well and septic system. Mr. Clemson explained that the new residence will be

hooked up to public sewer and water via a connection out onto Munn Lane leading to Brace Road. Exhibit A-4 was submitted and Mr. Clemson stated that they are compliant with all lot coverage, building coverage, and open space coverage requirements. Mr. Clemson outlined the wooded areas and wetlands areas on the plans and affirmed that no improvements or land disturbance would occur within the wetlands or wetlands buffer areas. Mr. Clemson detailed the location of the proposed fencing which will enclose the pasture areas in the front and secondary front yard as well as in the rear yard (5' fencing). Mr. Hoff explained that if the horse-keeping use is deemed to be a recreational use then the Zoning Ordinance would permit fencing up to 12' in height; however, if it is not deemed to be a recreational use, then the Zoning Ordinance only permits a maximum of 3' in height in the front yards and 6' in height in the side and rear yards. It was noted that the proposed 5' fence would be adequate in terms of containing the horses while keeping them safe. The applicant discussed the architectural fencing elements along Munn Lane and submitted Exhibit A-5 in order to illustrate the proposed fencing materials. The applicant added that they are also requesting a variance to permit 7' high stone columns on either side of the entrance gate and that the size of the fencing, gate, and columns would be in scale with the size of the property and the proposed residence.

Mr. Panasci described the materials to be used in the construction of the fence wall (stone and brick) and noted the 6' tall gate would be made of wood and metal which will help to contain the horses and provide additional security for the home. Mr. Clemson went through ERI's review letter and stated that they will provide an existing conditions & topographic survey, soil permeability results, stormwater calculations, the spot elevations for the first floor and garage, and more clearly note the locations of the utility connections. The applicant agreed to submit these items as a condition of approval. Mr. Clemson stated that they will install two (2) drywells in order to help collect stormwater runoff. Additionally, the applicant will provide an updated wetlands delineation as the prior LOI has expired. Mr. Clemson stated he does not expect there to be a change in the wetlands delineation.

Mr. Hoff submitted exhibit A-6 and Mr. Panasci noted that they will provide additional plantings along the side property line in order to expand the landscaping buffer with the neighboring residence. The applicant agreed to work with the Department of Community Development and ERI on finalizing the amendments to the landscaping plan. Mr. Hoff summarized that 44 replacement trees are required (based upon the proposed tree removal plan) and that they will provide 61 trees, to be shown on a future site plan submission for review by the Department of Community Development and ERI. Mr. Hoff reiterated that they only need to provide 44 trees. Mr. Hoff added that that the applicant will not prune or remove trees within the NJDOT right-of-way.

Mr. Hoff and Mr. Clemson went through the Department of Community Development's review letter. Ms. Luciani clarified that the prior variance noted to permit the detached garage was removed as this second garage is technically attached to the house via covered porches. The variance to permit a second garage is still required. Mr. Clemson discussed the proposed manure storage area which will be located to the south of the second garage and to the west of the house (noted as "shed slab" on the plans) which will be kept in a closed container. Mr. Clemson explained what the Zoning Ordinance permits in terms of total number of horses, which is based upon the size of the pasture area and covered stable areas. Based upon 65,000 SF of pasture and 2,400 SF of roofed stabled area, twenty-four (24) horses are permitted; however, Mr. Hoff stated that they are asking to permit a maximum of fifteen (15) horses and that they will maintain the horse-keeping as a recreational use not to be utilized for commercial purposes. The applicant agreed to comply with all State regulations concerning horse-keeping.

Mr. Wolfson described, in detail, the manure storage operations and how odors nuisances will be eliminated. Mr. Wolfson explained he hired an expert horse-keeper to assist with keeping the well-being of the horses. Mr. Wolfson stated that he currently owns eight (8) horses consisting of three (3) miniature horses, two (2) Shetland ponies, and three (3) Gypsy horses. The proposed horse stables will be cleaned two (2) times per day and thus fourteen (14) times per week, thus exceeding the Zoning Ordinance requirement of three (3) cleanings per week. A special company will come in to pick up and remove the manure (approximately once every three weeks). The stables will have a system to collect horse urine and a system to suppress flies. The stables are designed in such a manner to facilitate good air flow and that the floor of the stables as a "mattress" materials as opposed to dirt. Mr. Wolfson stated that they have four (4) vehicles but will need to store larger farm and property maintenance equipment in the second garage. Mr. Wolfson stated that he believes that the design of the house and the pasture lands keeps with the natural beauty of the site. Mr. Wolfson stated that he will comply with all horse-keeping regulations and will not operate the horse-keeping use as a commercial enterprise/business. Mr. Wolfson stated that he will hire staff to assist with the maintenance of the horse-keeping facilities and that the manure container will be appropriately sized.

A discussion ensued regarding the floor drains in the stables and that they must comply with all sanitary sewer requirements. Mr. Wolfson affirmed that there will be no accessory dwelling unit on the property. Mr. Panasci detailed the "sacrifice area" – which is the area located between the two pasture fields – which will have fencing that will need to be opened in order to allow the horses to pass through. Mr. Wolfson described the site's security system and agreed to provide electronic gate access to emergency services. A discussion ensued regarding the necessity of a performance bond and Mr. Noll stated that all site improvements will need to be installed prior to receiving a CO. Mr. Noll added that if there are any improvements that remain that need to be completed, the applicant will have to bond for those remaining

items; otherwise, the bond requirement is waived. Ms. Luciani explained that the applicant will need to submit inspection escrow for the purpose of being able to inspect and ensure the stormwater management facilities and landscaping are installed properly.

Mr. Hoff reiterated the applicant's assertion that the horse-keeping component of the application is a recreational use. Mr. Wolfson stated that the gypsy horses are the only ones that can be ridden while the rest will just graze on the lands. A discussion ensued amongst the Zoning Board members with regard to whether the proposed horse-keeping use is also a recreational use. Mr. Rardin noted that he views recreational uses such as those that contain swim clubs and ballfields. Ms. Luciani and Mr. Wieliczko noted they would see this more as a recreational use if it was more like an equestrian use with horse riding.

**Public Comment:** None.

Mr. Rardin stated that he is generally in favor of the application, the variances, and the proposed use of the land for horse-keeping; however, Mr. Rardin stated he does not believe this qualifies as a recreational use. Other members of the Zoning Board echoed Mr. Rardin's comments. Ms. Apell added that she once had Mr. Wagner do work for her 10 to 15 years ago but affirmed that she could make an independent judgement on this application. Mr. Hoff did not object to Ms. Apell voting on the matter.

Following discussion amongst the Board, it was decided that the Board would take a poll of those in favor and those against deeming the horse-keeping use as a recreational use. Rardin, DiRenzo, Sklar, Rovner, Apell, and Spevak voted to deny the qualification of the horse-keeping use as a recreational use while Mr. Potter stated he was in favor of the horse-keeping use as a recreational use. Ms. Roth-Gutman could not vote on the matter as she was the eight member of the available voting body. Thus, six (6) members voted no while one (1) member voted yes. Therefore, the horse-keeping use would not be considered as a recreational. As a side note, Chris Noll affirmed, based on the revised land disturbance calculations, that the applicant is not required to meet NJDEP's major development requirements.

**Motion:** Following a review of the application and conditions of approval by Solicitor Wieliczko, a motion was made by Ms. Rovner and seconded by Mr. DiRenzo, Jr., with affirmative votes for approval by Rardin, DiRenzo, Sklar, Rovner, Potter, Apell, and Spevak for the approval of the Bulk (C) Variances, horse-keeping use, and tree removal with conditions. Motion carries 7-0.

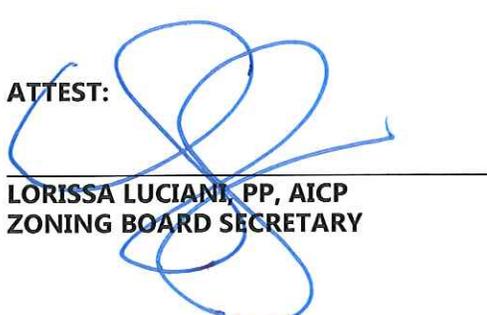
**RESOLUTIONS**

None.

**Meeting Adjourned:** at 9:08 PM.

**ADOPTED:** 9/7/17

**ATTEST:**

  
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**LORISSA LUCIANI, PP, AICP**  
**ZONING BOARD SECRETARY**

  
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**JONATHAN RARDIN, CHAIRMAN**